Writ Petition no.468 (S/S) of 2003

Dinesh Thapliyal----- Petitioner

Versus

State of Uttaranchal and others ….. Respondents

Hon'ble M.M. Ghildiyal. J.

Heard Sri Vinod Nautiyal learned counsel for the petitioner and learned Standing Counsel.

The petitioner who is a veterinary pharmacist has been transferred from Veterinary Hospital Srikot Srinagar district Pauri Garhwal to Kirti Nagar district Tehri which is at a distance of 5 kilometers. The petitioner has challenged this order of transfer on the ground that the transfer order is against policy. In the transfer policy there is a provision that an employee can stay for a maximum period upto 10 years whereas the petitioner has been transferred after 8 years. The transfer policy has no statutory force. However, there is long stay of the petitioner at Srikot for about 8 years. More so, he has been transferred to a distance at only 5 kilometers from Srikot to Kirtinagar.

Learned counsel for the petitioner has submitted that the transfer order may be stayed for this academic session as his sons are studying in class XI and class XII at Srinagar. It is only three kilometers away from new place of posting. He has further submitted that at Kirti Nagar there is acute shortage of residences and as such the petitioner may be permitted to retain the present accommodation at Srikot. The petitioner may file a representation to the competent authority who will consider the case of the petitioner for retaining the accommodation at Srikot till the end of this academic session in case residence is not provided to the petitioner at Kirtinagar.

With these observations the writ petition is disposed of finally.

(M.M. Ghildiyal.J.)

July 21,2003
MPS